

2812



03560.002997.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	Examiner: H. J. Tsai
Kotaro AKUTSU et al.)	Group Art Unit: 2812
Application No.: 10/090,149)	Confirmation No.: 5461
Filed: March 5, 2002)	
For: SUBSTRATE PROCESSING APPARATUS)	October 6, 2003 (Monday)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Response to Restriction Requirement in the above-identified application.

☒ No additional fee is required.

The fee has been calculated as shown below:

CLAIMS AS AMENDED						
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEE
TOTAL CLAIMS	59	MINUS	59	= 0	x \$9 \$18	\$0.00
INDEP. CLAIMS	20	MINUS	20	= 0	x \$42 \$84	\$0.00
Fee for Multiple Dependent claims \$140/\$280						—
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$0.00

☐ °Verified Statement claiming small entity status is enclosed, if not filed previously.

☐ A check in the amount of \$_____ is enclosed.

☐ Charge \$____ to Deposit Account No. 06-1205. A duplicate of this sheet is enclosed.


☒ Any prior general authorization to charge an issue fee under 37 CFR 1.18 to Deposit Account No. 06-1205 is hereby revoked. The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 and 1.17 which may be required during the entire pendency of this application, or to credit any overpayment, to Deposit Account No. 06-1205. A duplicate of this paper is enclosed.

☐ A check in the amount of \$_____ to cover the fee for a _____ month extension is enclosed.

☐ A check in the amount of \$_____ to cover the Information Disclosure Statement fee is enclosed.

☒ Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our address given below.

Respectfully submitted,



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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Applicants respectfully traverse the restriction requirement set forth in the Office Action dated September 4, 2003.

In the Office Action, the Examiner sets forth a restriction requirement among four groups of claims. Group I, claims 1-9, 16-26, 33-40 and 47-53, is drawn to a substrate processing apparatus, and is classified in class 118, subclass 111; Group II, claims 10-13, 27-30, 41-44 and 54-57, is drawn to a process for making semiconductor devices, and is classified in class 438, subclass 401; Group III, claims 14, 31, 45 and 58 is drawn to a manufacturing factory, and is classified in class 445, subclass 66; and Group IV, claims 15, 32, 46 and 59, is drawn to a maintenance method, and is classified in class 445, subclass 3.

Initially, Applicants note that the restriction requirement is incomplete. In this regard, the Examiner merely states that in the instant case “unpatentability of the Group I invention would not necessarily imply unpatentability of the Group II inventions.”

Applicants submit that the Examiner has not demonstrated distinctness among the four inventions, relative to one another. Applicants submit, therefore, the inventions should be rejoined on this basis.

The Examiner also states that the inventions are distinct based on their differing classifications, such that the fields of search are not coextensive, requiring separate examination. These contentions also are respectfully traversed.

Applicants note that the inventions of Groups I, II, III and IV are closely related in the field of substrate processing that a proper search of any of the claims would, of necessity, require a search of the others. Thus, it is submitted that all of the claims can be searched simultaneously, and that a duplicative search, with possibly inconsistent results, may occur if the restriction requirement is maintained.

Applicants further submit that any nominal burden placed upon the Examiner to search an additional subclass or two, necessary to determine the art relevant to Applicants’ overall invention, is significantly outweighed by the public interest in not having to obtain and study several separate patents in order to have available all of the issued patent claims covering Applicants’ invention. The alternative is to proceed with the filing of multiple applications, each consisting of generally the same disclosure, and each being subjected to substantially the same search, perhaps by different Examiners on different occasions. This

places an unnecessary burden on both the Patent and Trademark Office and on Applicants.

In the interest of economy, for the Office, for the public-at-large and for Applicants, reconsideration and withdrawal of the restriction requirement are respectfully requested.

Nevertheless, in order to comply with the requirements of 37 CFR 1.143, Applicants provisionally elect, with traverse, to prosecute the invention of Group I, namely claims 1-9, 16-26, 33-40 and 47-53.

Favorable consideration and an early passage to issue are also requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should be directed to our address listed below.

Respectfully submitted,



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